

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

D. B.,

Plaintiff,

v.

DONALD J. TRUMP, President of the
United States of America, *et al.*,

Defendants.

CASE NO. 2:25-cv-00419

JUDGE MICHAEL H. WATSON

MAGISTRATE JUDGE CHELSEY M. VASCURA

DEFENDANTS' NOTICE OF COMPLIANCE PURSUANT TO OPINION AND ORDER

This Court's "Opinion and Order," (ECF No. 6), pursuant to Plaintiff's motion for temporary restraining order, ECF No. 2, stated:

The Court accordingly ORDERS Defendants to reinstate D.B.'s F-1 status and SEVIS authorization, retroactive to the date that it was terminated. Defendants MUST file a notice of compliance with this Order no later than Friday April 25, 2025, at 5:00 PM. With that notice of compliance, Defendants SHALL also file an affidavit explaining why D.B.'s F-1 status was revoked.

The Court further ENJOINS Defendants from taking any action or imposing any legal consequences based on their termination of D.B.'s F-1 student status or SEVIS record. Nor may Defendants retaliate against D.B. in any way. Specifically, Defendants must not revoke D.B.'s F-1 visa, detain him, initiate removal proceedings against him, or deport him. These examples are illustrative, and this injunction should be construed liberally in favor of breadth.

* * *

The TRO shall take effect at 9:00 AM. on April 23, 2025, and expire 14 days later, subject to one extension up to another 14 days.

See Op. and Order, ECF No. 6, PAGEID #: 40.

Notwithstanding United States Department of State's (DOS) absence as party Defendant to this action, "revocation of D.B.'s F-1 visa" is a function of DOS. To that end both DOS, and Defendants herein make the following notice:¹

1. At 3:29 p.m., Weds., April 23, the undersigned were advised via email by Defendant DHS/ICE, that "SEVIS N0032548092 has been reactivated."
2. At 8:26 a.m., Thurs., April 24, the undersigned advised counsel for Plaintiff, via email²:
Please be advised that this office was notified by the party Defendants to this action, at 3:29 p.m., Weds., April 23, (yesterday afternoon), that "SEVIS N0032548092 has been reactivated." This action is pursuant to and in accordance with this Court's Opinion and Order, issued yesterday, Weds., April 23, at ECF No. 6, PAGEID #: 40.
3. On April 25, 2025, Defendant DHS/ICE confirmed with the undersigned that "the SEVIS system's functionally only permits ICE to change the student's status and reset all data to the date of termination...ICE has manually entered a system change, in the SEVIS system, at N0032548092, with a comment stating the following: Status changed per court order and ICE direction. **Retroactive to _____.**"
4. On April 25, 2025, Defendant DHS/ICE confirmed with the undersigned that "D.B.'s F-1 status has been reinstated, retroactive to the date that it was terminated." [or] "D.B.'s F-1 status was not, and is not terminated, and will remain so pursuant to the Court's Order."
5. On April 25, 2025, Defendant DHS/ICE confirmed with the undersigned that ICE is developing a policy that will provide a framework for SEVIS record terminations. Until such a policy is issued, the SEVIS records for plaintiff in this case (and other similarly situated plaintiffs) will **remain Active or shall be re-activated** if not currently active and **ICE will not modify the record solely based on the NCIC finding that resulted in the recent SEVIS record termination.** ICE still maintains the authority to terminate a SEVIS record for other reasons, such as if a student fails to maintain his or her nonimmigrant status after the record is reactivated or engages in other unlawful activity that would render him or her removable from the United States under the Immigration and Nationality Act.
6. Pursuant to this sentence fraction from the Op. and Order, (ECF No. 6, PAGEID #: 40); "Defendants must not revoke D.B.'s F-1 visa...", please know that the revocation of an F-1 visa does not constitute failure to maintain status pursuant to the relevant regulations and does not provide a basis to terminate F-1 student status under the SEVIS registration system. *See ICE Policy Guidance 1004-04 – Visa Revocations (June 7, 2010)* ("[v]isa revocation is not, in itself, a cause for termination of the students' SEVIS record.") Instead, if an F-1 visa

¹ The U.S. Attorney's Office is providing the information that it has available at the time of this filing, with highlighted places indicating information that remains pending.

² Please see attached, marked as Exhibit A, a copy of the email referenced at "2." above.

is revoked, the student is permitted to continue to pursue his course of study in school, but upon departure from the United States, the student must apply for a new F-1 visa from a consulate or embassy abroad before returning. Put differently, F-1 student status and F-1 student visas are not one in the same. The F-1 student visa refers only to the document that nonimmigrant students receive to apply for entry to the United States, whereas F-1 student status refers to the students' formal immigration classification once they enter the country.

7. Attached hereto, marked as Exhibit B, please find "an affidavit explaining why D.B.'s F-1 status was revoked."

Respectfully submitted,

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on the 25th of April 2025, I electronically filed the foregoing using the CM/ECF system, which sends notification of such filings to counsel for Plaintiff.

s/John J. Stark
John J. Stark (0076231)
Assistant United States Attorney